

§ 14.500

TESTIMONY OF DEPARTMENT PERSONNEL AND PRODUCTION OF DEPARTMENT RECORDS IN LEGAL PROCEEDINGS

- 14.800 Purpose.
- 14.801 Applicability.
- 14.802 Definitions.
- 14.803 Policy.
- 14.804 Factors to consider.
- 14.805 Contents of a demand or request.
- 14.806 Scope of testimony or production.
- 14.807 Procedure when demand or request is made.
- 14.808 Expert or opinion testimony.
- 14.809 Demands or requests in legal proceedings for records protected by confidentiality statutes.
- 14.810 Fees.

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 2671-2680; 38 U.S.C. 501(a), 512, 515, 5502, 5902-5905; 28 CFR part 14, appendix to part 14, unless otherwise noted.

SOURCE: 19 FR 5552, Aug. 31, 1954, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 14 appear at 61 FR 7216, Feb. 27, 1996.

§ 14.500 Functions and responsibilities of General Counsel.

The General Counsel is responsible to the Secretary for the following:

- (a) All litigation arising in, or out of, the activities of the Department of Veterans Affairs or involving any employee thereof in his or her official capacity.
- (b) All interpretative legal advice involving construction or application of laws, including statutes, regulations, and decisional as well as common law.
- (c) All legal services, advice and assistance required to implement any law administered by the Department of Veterans Affairs.
- (d) All delegations of authority and professional guidance required to meet these responsibilities.
- (e) Maintenance of a system of field offices capable of providing legal advice and assistance to all Department of Veterans Affairs field installations and acting for the General Counsel as provided by Department of Veterans Affairs Regulations and instructions, or as directed by the General Counsel in special cases. This includes cooperation with U.S. Attorneys in all civil and criminal cases pertaining to the Department of Veterans Affairs and reporting to the U.S. Attorneys, as authorized, or to the General Counsel, or

38 CFR Ch. I (7-1-03 Edition)

both, criminal matters coming to the attention of the Regional Counsel.

- (f) Other matters assigned.

[42 FR 41410, Aug. 17, 1977]

§ 14.501 Functions and responsibilities of Regional Counsels.

(a) Functions and responsibilities of the Regional Counsels are those set forth in this part and all other matters assigned by the General Counsel.

(b) In any matter within the jurisdiction of the General Counsel, delegated or otherwise assigned, the Regional Counsel and designated staff attorneys are authorized to conduct investigations, examine witnesses, take affidavits, administer oaths and affirmations and certify copies of public or private documents.

(c) The Regional Counsel is authorized to, and shall, under the guidance of the General Counsel, provide legal services, advice and assistance to Department of Veterans Affairs installations within the district assigned. In any area of regulatory, assigned or delegated responsibility, the Regional Counsel may delegate to staff members or other Department of Veterans Affairs attorneys authority to perform, to the extent specified, any legal function under the professional direction of the Regional Counsel. Conversely, the Regional Counsel may modify, suspend, or rescind any authority delegated hereunder.

(d) The Regional Counsel is authorized to cooperate with affiliated organizations, legislative committees, and with local and State bar associations to the end that any State law deficiencies relating to Department of Veterans Affairs operations may be removed. No commitment as to proposed legislation will be made without the approval of the General Counsel.

(e) In any case wherein the Regional Counsel is authorized to take legal action and payment of costs and necessary expenses incident thereto are involved, the administration requesting such action will pay such cost and expenses. Where it is impractical for the Regional Counsel to perform the legal service because of cost, distance, etc., the customary fee for the service rendered by a local attorney employed by the Regional Counsel will be borne by

Department of Veterans Affairs

§ 14.502

the administration requesting such action.

(f) The jurisdictions and addresses of Regional Counsels are as follows:

(1) *Region 1:* (JURISDICTION) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island; (ADDRESS) JFK Federal Bldg., Room E213, Boston, MA 02203.

(2) *Region 2:* (JURISDICTION) New Jersey, Metropolitan New York City; (ADDRESS) 800 Poly Place, Building 14, Brooklyn, NY 11209.

(3) *Region 3:* (JURISDICTION) District of Columbia; Fairfax, Virginia; Arlington, Virginia; Alexandria, Virginia; Martinsburg, West Virginia; and Maryland; (ADDRESS) 849 International Drive, Suite 200, Linthicum, MD 21090.

(4) *Region 4:* (JURISDICTION) Pennsylvania, Delaware; (ADDRESS) 1000 Liberty Ave., Pittsburgh, PA 15222.

(5) *Region 5:* (JURISDICTION) Georgia, South Carolina; (ADDRESS) 730 Peachtree Street, NE., Atlanta, GA 30365.

(6) *Region 6:* (JURISDICTION) Florida, Puerto Rico; (ADDRESS) P.O. Box 5002, Building 22, Room 333, Bay Pines, FL 33504.

(7) *Region 7:* (JURISDICTION) Ohio, West Virginia (excluding Martinsburg, West Virginia); (ADDRESS) 1240 East Ninth Street, Room 1225, Cleveland, OH 44199.

(8) *Region 8:* (JURISDICTION) Arkansas, Tennessee; (ADDRESS) Federal Courthouse Annex, 110 9th Ave., S., Nashville, TN 37203.

(9) *Region 9:* (JURISDICTION) Alabama, Mississippi; (ADDRESS) 1500 E. Woodrow Wilson Dr., Jackson, MS 39216.

(10) *Region 10:* (JURISDICTION) Illinois, Iowa; (ADDRESS) VA Medical Center, Bldg. 50, P. O. Box 127, Hines, IL 60141.

(11) *Region 11:* (JURISDICTION) Michigan, Wisconsin; (ADDRESS) Patrick V. McNamara Federal Bldg., Suite 1460, 477 Michigan Ave., Detroit, MI 48226.

(12) *Region 12:* (JURISDICTION) Kansas, Missouri, Nebraska; (ADDRESS) 1 Jefferson Barracks Drive, St. Louis, MO 63125-4185.

(13) *Region 13:* (JURISDICTION) Oklahoma, Northern Texas; (ADDRESS)

1400 N. Valley Mills Dr., Waco, TX 76799.

(14) *Region 14:* (JURISDICTION) Louisiana, Southern Texas; (ADDRESS) 6900 Alameda Road, Houston, TX 77030.

(15) *Region 15:* (JURISDICTION) Minnesota, North Dakota, South Dakota; (ADDRESS) VA Medical Center, One Veterans Drive, Bldg. 73, Minneapolis, MN 55417.

(16) *Region 16:* (JURISDICTION) Colorado, Wyoming, Utah, Montana; (ADDRESS) Box 25126, 155 Van Gordon Street, Denver, CO 80225.

(17) *Region 17:* (JURISDICTION) Lower California; (ADDRESS) 11000 Wilshire Blvd., Los Angeles, CA 90024.

(18) *Region 18:* (JURISDICTION) Upper California, Hawaii, Central and Northern Nevada, and Philippine Islands; (ADDRESS) VA Medical Center, 4150 Clement Street, Bldg. 210, San Francisco, CA 94121.

(19) *Region 19:* (JURISDICTION) Arizona, Southern Nevada, and New Mexico; (ADDRESS) 3225 N. Central Ave., Rm. 305, Phoenix, AZ 85012.

(20) *Region 20:* (JURISDICTION) Idaho, Oregon, Washington, Alaska; (ADDRESS) 1220 SW Third Ave., Portland, OR 97204.

(21) *Region 21:* (JURISDICTION) New York (except Metropolitan New York City), Vermont; (ADDRESS) 120 LeBrun, Buffalo, NY 14215.

(22) *Region 22:* (JURISDICTION) Indiana, Kentucky; (ADDRESS) 575 N. Pennsylvania Street, Room 309, Indianapolis, IN 46204.

(23) *Region 23:* (JURISDICTION) North Carolina, Virginia (excluding Fairfax, Arlington, and Alexandria); (ADDRESS) 251 N. Main Street, Winston-Salem, NC 27155.

[42 FR 41411, Aug. 17, 1977, as amended at 61 FR 7216, Feb. 27, 1996]

§ 14.502 Requests for legal opinions from Central Office.

Requests for formal legal advice, including interpretation of law or regulations, shall be made only by the Secretary, the Deputy Secretary, the Assistant Secretaries, the Deputy Assistant Secretaries, and the administration head or top staff office official having jurisdiction over the particular